

REMARKS

The foregoing amendment in claims 1 and 10 are intended to define the invention with enhanced specificity in order to distinguish more clearly over the art of record.

The temperature responsive layer is now defined as a film made only of ZnO. This feature is disclosed at least at page 19, lines 12-14, multiple occurrences on page 27, and in the discussion of Figs. 6-8 on page 29, lines 6-23.

Applicants are filing herewith two Terminal Disclaimers. One is a substitute for the Terminal Disclaimer filed with the last response. It now cites the correct filing date, September 3, 2004, for the cited co-pending application Serial No. 10/506,867. The second Terminal Disclaimer is directed to the newly cited co-pending application Serial No. 804,328 filed March 18, 2004. These disclaimers are believed to overcome the double patenting rejections.

Applicants also respectfully traverse the rejection of claims 1, 2, 7-11 and 16-18 under 35 USC 102(b) as fully anticipated by U.S. Patent No. 6,961,700 to Cheng et al. ("Cheong") or Japanese publication No. 08-094612 ("JP 8-96412").

Cheong et al. discloses a second super-resolution image layer containing ZnO dispersed in a matrix of glass or resin (Col. 5, lines 52-56; Col. 6, lines 5-12).

However, the optical information recording media of amended claims 1, 10, each includes a temperature responsive layer made only of ZnO. The ZnO is not dispersed in glass or resin.

It is fundamental that the optical information recording medium is required to exhibit uniform properties throughout. That in turn requires that in the optical information recording medium of Cheong, including a super-resolution image layer containing ZnO dispersed in glass or resin, have ZnO dispersed uniformly in the glass or resin. But it is commonly known that it is difficult to uniformly disperse ZnO in glass

or resin. The optical information recording medium of Cheong would therefore be difficult to manufacture, and costly.

In contrast, in the optical information recording medium of amended claims 1 and 10, the temperature responsive layer is made entirely of one kind of metal oxide (ZnO). This claimed layer is comparatively easy to manufacture, and inexpensive, providing a unique advantage of that invention.

The JP 8-96412 reference does not even disclose use of ZnO. The publication neither discloses nor suggests an optical information recording medium including a temperature responsive layer made only of ZnO.

In addition, the inorganic material described in JP 8-96412 as a mask layer with read durability contains toxic arsenic or selenium. These materials require extra handling/managing cost, adding to the overall production cost of the information recording medium of JP 8-96412.

In contrast, in the optical information recording medium of amended claims 1 and 10, the temperature responsive layer is made of ZnO. The claimed information recording medium therefore is comparatively inexpensive, providing a unique advantage of the invention.

In view of the above amendments, Remarks, and the Terminal Disclaimers, Applicants urge that the pending claims patentably distinguish over the art of record, whether taken singly or in combination, and that this application is otherwise in condition for allowance.

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Respectfully submitted,

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